

Fill in this information to identify your case:

United States Bankruptcy Court for the:

DISTRICT OF SOUTH CAROLINA

Case number (if known)

Chapter you are filing under:

☒ Chapter 7

☐ Chapter 11

☐ Chapter 12

☐ Chapter 13

☐ Check if this an amended filing

Official Form 101

Voluntary Petition for Individuals Filing for Bankruptcy

12/17

The bankruptcy forms use you and Debtor 1 to refer to a debtor filing alone. A married couple may file a bankruptcy case together—called a *joint case*—and in joint cases, these forms use you to ask for information from both debtors. For example, if a form asks, “Do you own a car,” the answer would be yes if either debtor owns a car. When information is needed about the spouses separately, the form uses *Debtor 1* and *Debtor 2* to distinguish between them. In joint cases, one of the spouses must report information as *Debtor 1* and the other as *Debtor 2*. The same person must be *Debtor 1* in all of the forms.

Be as complete and accurate as possible. If two married people are filing together, both are equally responsible for supplying correct information. If more space is needed, attach a separate sheet to this form. On the top of any additional pages, write your name and case number (if known). Answer every question.

Part 1: Identify Yourself

About Debtor 1:

About Debtor 2 (Spouse Only in a Joint Case):

1. Your full name

Write the name that is on your government-issued picture identification (for example, your driver's license or passport).

Bring your picture identification to your meeting with the trustee.

Linda

First name

Collier

Middle name

Benedict

Last name and Suffix (Sr., Jr., II, III)

First name

Middle name

Last name and Suffix (Sr., Jr., II, III)

2. All other names you have used in the last 8 years

Include your married or maiden names.

3. Only the last 4 digits of your Social Security number or federal Individual Taxpayer Identification number (ITIN)

xxx-xx-9768

Debtor 1 **Linda Collier Benedict**

Case number (if known)

**About Debtor 1:****About Debtor 2 (Spouse Only in a Joint Case):****4. Any business names and Employer Identification Numbers (EIN) you have used in the last 8 years**☒ I have not used any business name or EINs.☐ I have not used any business name or EINs.Include trade names and *doing business as* names

Business name(s)

Business name(s)

EINs

EINs

**5. Where you live****1903 Marsh Oak Lane  
Johns Island, SC 29455**

Number, Street, City, State &amp; ZIP Code

**Charleston**

County

**If your mailing address is different from the one above, fill it in here.** Note that the court will send any notices to you at this mailing address.**PO Box 447  
Johns Island, SC 29457**

Number, P.O. Box, Street, City, State &amp; ZIP Code

**If Debtor 2 lives at a different address:**

Number, Street, City, State &amp; ZIP Code

County

**If Debtor 2's mailing address is different from yours, fill it in here.** Note that the court will send any notices to this mailing address.

Number, P.O. Box, Street, City, State &amp; ZIP Code

**6. Why you are choosing this district to file for bankruptcy***Check one:*☒ Over the last 180 days before filing this petition, I have lived in this district longer than in any other district.☐ I have another reason.  
Explain. (See 28 U.S.C. § 1408.)*Check one:*☐ Over the last 180 days before filing this petition, I have lived in this district longer than in any other district.☐ I have another reason.  
Explain. (See 28 U.S.C. § 1408.)

Debtor 1 Linda Collier Benedict

Case number (if known) \_\_\_\_\_

**Part 2: Tell the Court About Your Bankruptcy Case**

7. **The chapter of the Bankruptcy Code you are choosing to file under** *Check one.* (For a brief description of each, see *Notice Required by 11 U.S.C. § 342(b) for Individuals Filing for Bankruptcy (Form 2010)*). Also, go to the top of page 1 and check the appropriate box.
- ☒ Chapter 7
- ☐ Chapter 11
- ☐ Chapter 12
- ☐ Chapter 13
- 
8. **How you will pay the fee** ☒ **I will pay the entire fee when I file my petition.** Please check with the clerk's office in your local court for more details about how you may pay. Typically, if you are paying the fee yourself, you may pay with cash, cashier's check, or money order. If your attorney is submitting your payment on your behalf, your attorney may pay with a credit card or check with a pre-printed address.
- ☐ **I need to pay the fee in installments.** If you choose this option, sign and attach the *Application for Individuals to Pay The Filing Fee in Installments* (Official Form 103A).
- ☐ **I request that my fee be waived** (You may request this option only if you are filing for Chapter 7. By law, a judge may, but is not required to, waive your fee, and may do so only if your income is less than 150% of the official poverty line that applies to your family size and you are unable to pay the fee in installments). If you choose this option, you must fill out the *Application to Have the Chapter 7 Filing Fee Waived* (Official Form 103B) and file it with your petition.
- 
9. **Have you filed for bankruptcy within the last 8 years?** ☒ No.
- ☐ Yes.
- |                |            |                   |
|----------------|------------|-------------------|
| District _____ | When _____ | Case number _____ |
| District _____ | When _____ | Case number _____ |
| District _____ | When _____ | Case number _____ |
- 
10. **Are any bankruptcy cases pending or being filed by a spouse who is not filing this case with you, or by a business partner, or by an affiliate?** ☒ No.
- ☐ Yes.
- |                             |                           |
|-----------------------------|---------------------------|
| Debtor _____                | Relationship to you _____ |
| District _____              | When _____                |
| Case number, if known _____ |                           |
| Debtor _____                | Relationship to you _____ |
| District _____              | When _____                |
| Case number, if known _____ |                           |
- 
11. **Do you rent your residence?** ☒ No. Go to line 12.
- ☐ Yes. Has your landlord obtained an eviction judgment against you?
- ☐ No. Go to line 12.
- ☐ Yes. Fill out *Initial Statement About an Eviction Judgment Against You* (Form 101A) and file it as part of this bankruptcy petition.

Debtor 1 **Linda Collier Benedict**

Case number (if known)

**Part 3: Report About Any Businesses You Own as a Sole Proprietor****12. Are you a sole proprietor of any full- or part-time business?**☒ No. Go to Part 4.☐ Yes. Name and location of business

A sole proprietorship is a business you operate as an individual, and is not a separate legal entity such as a corporation, partnership, or LLC.

If you have more than one sole proprietorship, use a separate sheet and attach it to this petition.

Name of business, if any

Number, Street, City, State &amp; ZIP Code

Check the appropriate box to describe your business:

- ☐ Health Care Business (as defined in 11 U.S.C. § 101(27A))
- ☐ Single Asset Real Estate (as defined in 11 U.S.C. § 101(51B))
- ☐ Stockbroker (as defined in 11 U.S.C. § 101(53A))
- ☐ Commodity Broker (as defined in 11 U.S.C. § 101(6))
- ☐ None of the above

**13. Are you filing under Chapter 11 of the Bankruptcy Code and are you a small business debtor?**

For a definition of *small business debtor*, see 11 U.S.C. § 101(51D).

If you are filing under Chapter 11, the court must know whether you are a small business debtor so that it can set appropriate deadlines. If you indicate that you are a small business debtor, you must attach your most recent balance sheet, statement of operations, cash-flow statement, and federal income tax return or if any of these documents do not exist, follow the procedure in 11 U.S.C. 1116(1)(B).

☒ No. I am not filing under Chapter 11.☐ No. I am filing under Chapter 11, but I am NOT a small business debtor according to the definition in the Bankruptcy Code.☐ Yes. I am filing under Chapter 11 and I am a small business debtor according to the definition in the Bankruptcy Code.**Part 4: Report if You Own or Have Any Hazardous Property or Any Property That Needs Immediate Attention****14. Do you own or have any property that poses or is alleged to pose a threat of imminent and identifiable hazard to public health or safety? Or do you own any property that needs immediate attention?**☒ No.☐ Yes. What is the hazard?

If immediate attention is needed, why is it needed?

For example, do you own perishable goods, or livestock that must be fed, or a building that needs urgent repairs?

Where is the property?

Number, Street, City, State &amp; Zip Code

Debtor 1 **Linda Collier Benedict**

Case number (if known)

**Part 5: Explain Your Efforts to Receive a Briefing About Credit Counseling**

**15. Tell the court whether you have received a briefing about credit counseling.**

The law requires that you receive a briefing about credit counseling before you file for bankruptcy. You must truthfully check one of the following choices. If you cannot do so, you are not eligible to file.

If you file anyway, the court can dismiss your case, you will lose whatever filing fee you paid, and your creditors can begin collection activities again.

**About Debtor 1:**

*You must check one:*

- ☒ **I received a briefing from an approved credit counseling agency within the 180 days before I filed this bankruptcy petition, and I received a certificate of completion.**

Attach a copy of the certificate and the payment plan, if any, that you developed with the agency.

- ☐ **I received a briefing from an approved credit counseling agency within the 180 days before I filed this bankruptcy petition, but I do not have a certificate of completion.**

Within 14 days after you file this bankruptcy petition, you **MUST** file a copy of the certificate and payment plan, if any.

- ☐ **I certify that I asked for credit counseling services from an approved agency, but was unable to obtain those services during the 7 days after I made my request, and exigent circumstances merit a 30-day temporary waiver of the requirement.**

To ask for a 30-day temporary waiver of the requirement, attach a separate sheet explaining what efforts you made to obtain the briefing, why you were unable to obtain it before you filed for bankruptcy, and what exigent circumstances required you to file this case.

Your case may be dismissed if the court is dissatisfied with your reasons for not receiving a briefing before you filed for bankruptcy. If the court is satisfied with your reasons, you must still receive a briefing within 30 days after you file. You must file a certificate from the approved agency, along with a copy of the payment plan you developed, if any. If you do not do so, your case may be dismissed.

Any extension of the 30-day deadline is granted only for cause and is limited to a maximum of 15 days.

- ☐ **I am not required to receive a briefing about credit counseling because of:**

- ☐ **Incapacity.**  
I have a mental illness or a mental deficiency that makes me incapable of realizing or making rational decisions about finances.
- ☐ **Disability.**  
My physical disability causes me to be unable to participate in a briefing in person, by phone, or through the internet, even after I reasonably tried to do so.
- ☐ **Active duty.**  
I am currently on active military duty in a military combat zone.

If you believe you are not required to receive a briefing about credit counseling, you must file a motion for waiver credit counseling with the court.

**About Debtor 2 (Spouse Only in a Joint Case):**

*You must check one:*

- ☐ **I received a briefing from an approved credit counseling agency within the 180 days before I filed this bankruptcy petition, and I received a certificate of completion.**

Attach a copy of the certificate and the payment plan, if any, that you developed with the agency.

- ☐ **I received a briefing from an approved credit counseling agency within the 180 days before I filed this bankruptcy petition, but I do not have a certificate of completion.**

Within 14 days after you file this bankruptcy petition, you **MUST** file a copy of the certificate and payment plan, if any.

- ☐ **I certify that I asked for credit counseling services from an approved agency, but was unable to obtain those services during the 7 days after I made my request, and exigent circumstances merit a 30-day temporary waiver of the requirement.**

To ask for a 30-day temporary waiver of the requirement, attach a separate sheet explaining what efforts you made to obtain the briefing, why you were unable to obtain it before you filed for bankruptcy, and what exigent circumstances required you to file this case.

Your case may be dismissed if the court is dissatisfied with your reasons for not receiving a briefing before you filed for bankruptcy.

If the court is satisfied with your reasons, you must still receive a briefing within 30 days after you file. You must file a certificate from the approved agency, along with a copy of the payment plan you developed, if any. If you do not do so, your case may be dismissed.

Any extension of the 30-day deadline is granted only for cause and is limited to a maximum of 15 days.

- ☐ **I am not required to receive a briefing about credit counseling because of:**

- ☐ **Incapacity.**  
I have a mental illness or a mental deficiency that makes me incapable of realizing or making rational decisions about finances.
- ☐ **Disability.**  
My physical disability causes me to be unable to participate in a briefing in person, by phone, or through the internet, even after I reasonably tried to do so.
- ☐ **Active duty.**  
I am currently on active military duty in a military combat zone.

If you believe you are not required to receive a briefing about credit counseling, you must file a motion for waiver of credit counseling with the court.

Debtor 1 **Linda Collier Benedict**

Case number (if known)

**Part 6: Answer These Questions for Reporting Purposes**

16. What kind of debts do you have?	16a.	<b>Are your debts primarily consumer debts?</b> <i>Consumer debts</i> are defined in 11 U.S.C. § 101(8) as "incurred by an individual primarily for a personal, family, or household purpose." <input type="checkbox"/> No. Go to line 16b. <input checked="" type="checkbox"/> Yes. Go to line 17.
	16b.	<b>Are your debts primarily business debts?</b> <i>Business debts</i> are debts that you incurred to obtain money for a business or investment or through the operation of the business or investment. <input type="checkbox"/> No. Go to line 16c. <input type="checkbox"/> Yes. Go to line 17.
	16c.	State the type of debts you owe that are not consumer debts or business debts

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17. Are you filing under Chapter 7?	<input type="checkbox"/> No. I am not filing under Chapter 7. Go to line 18.  <input checked="" type="checkbox"/> Yes. I am filing under Chapter 7. Do you estimate that after any exempt property is excluded and administrative expenses are paid that funds will be available to distribute to unsecured creditors?  <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes		
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18. How many Creditors do you estimate that you owe?	<input checked="" type="checkbox"/> 1-49 <input type="checkbox"/> 50-99 <input type="checkbox"/> 100-199 <input type="checkbox"/> 200-999	<input type="checkbox"/> 1,000-5,000 <input type="checkbox"/> 5001-10,000 <input type="checkbox"/> 10,001-25,000	<input type="checkbox"/> 25,001-50,000 <input type="checkbox"/> 50,001-100,000 <input type="checkbox"/> More than 100,000
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19. How much do you estimate your assets to be worth?	<input type="checkbox"/> \$0 - \$50,000 <input type="checkbox"/> \$50,001 - \$100,000 <input checked="" type="checkbox"/> \$100,001 - \$500,000 <input type="checkbox"/> \$500,001 - \$1 million	<input type="checkbox"/> \$1,000,001 - \$10 million <input type="checkbox"/> \$10,000,001 - \$50 million <input type="checkbox"/> \$50,000,001 - \$100 million <input type="checkbox"/> \$100,000,001 - \$500 million	<input type="checkbox"/> \$500,000,001 - \$1 billion <input type="checkbox"/> \$1,000,000,001 - \$10 billion <input type="checkbox"/> \$10,000,000,001 - \$50 billion <input type="checkbox"/> More than \$50 billion
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20. How much do you estimate your liabilities to be?	<input type="checkbox"/> \$0 - \$50,000 <input type="checkbox"/> \$50,001 - \$100,000 <input checked="" type="checkbox"/> \$100,001 - \$500,000 <input type="checkbox"/> \$500,001 - \$1 million	<input type="checkbox"/> \$1,000,001 - \$10 million <input type="checkbox"/> \$10,000,001 - \$50 million <input type="checkbox"/> \$50,000,001 - \$100 million <input type="checkbox"/> \$100,000,001 - \$500 million	<input type="checkbox"/> \$500,000,001 - \$1 billion <input type="checkbox"/> \$1,000,000,001 - \$10 billion <input type="checkbox"/> \$10,000,000,001 - \$50 billion <input type="checkbox"/> More than \$50 billion
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**Part 7: Sign Below****For you**

I have examined this petition, and I declare under penalty of perjury that the information provided is true and correct.

If I have chosen to file under Chapter 7, I am aware that I may proceed, if eligible, under Chapter 7, 11, 12, or 13 of title 11, United States Code. I understand the relief available under each chapter, and I choose to proceed under Chapter 7.

If no attorney represents me and I did not pay or agree to pay someone who is not an attorney to help me fill out this document, I have obtained and read the notice required by 11 U.S.C. § 342(b).

I request relief in accordance with the chapter of title 11, United States Code, specified in this petition.

I understand making a false statement, concealing property, or obtaining money or property by fraud in connection with a bankruptcy case can result in fines up to \$250,000, or imprisonment for up to 20 years, or both. 18 U.S.C. §§ 152, 1341, 1519, and 3571.

**/s/ Linda Collier Benedict****Linda Collier Benedict**

Signature of Debtor 1

Signature of Debtor 2

Executed on **November 2, 2018**

MM / DD / YYYY

Executed on

MM / DD / YYYY

Debtor 1 **Linda Collier Benedict**

Case number (if known)

**For your attorney, if you are represented by one****If you are not represented by an attorney, you do not need to file this page.**

I, the attorney for the debtor(s) named in this petition, declare that I have informed the debtor(s) about eligibility to proceed under Chapter 7, 11, 12, or 13 of title 11, United States Code, and have explained the relief available under each chapter for which the person is eligible. I also certify that I have delivered to the debtor(s) the notice required by 11 U.S.C. § 342(b) and, in a case in which § 707(b)(4)(D) applies, certify that I have no knowledge after an inquiry that the information in the schedules filed with the petition is incorrect.

**/s/ R. Michael Drose**

Date

**November 2, 2018**

Signature of Attorney for Debtor

MM / DD / YYYY

**R. Michael Drose 609**

Printed name

**Drose Law Firm**

Firm name

**3955 Faber Place Drive, Suite 103  
Charleston, SC 29405**

Number, Street, City, State &amp; ZIP Code

Contact phone **843-767-8888**

Email address

**drose@droselaw.com****609 SC**

Bar number &amp; State

## Notice Required by 11 U.S.C. § 342(b) for Individuals Filing for Bankruptcy (Form 2010)

### This notice is for you if:

**You are an individual filing for bankruptcy,**  
and

**Your debts are primarily consumer debts.**  
*Consumer debts* are defined in 11 U.S.C.  
§ 101(8) as "incurred by an individual  
primarily for a personal, family, or  
household purpose."

### The types of bankruptcy that are available to individuals

Individuals who meet the qualifications may file under  
one of four different chapters of Bankruptcy Code:

Chapter 7 - Liquidation

Chapter 11 - Reorganization

Chapter 12 - Voluntary repayment plan  
for family farmers or  
fishermen

Chapter 13 - Voluntary repayment plan  
for individuals with regular  
income

**You should have an attorney review your  
decision to file for bankruptcy and the choice of  
chapter.**

### Chapter 7: Liquidation

\$245 filing fee

\$75 administrative fee

+ \$15 trustee surcharge

\$335 total fee

Chapter 7 is for individuals who have financial difficulty preventing them from paying their debts and who are willing to allow their nonexempt property to be used to pay their creditors. The primary purpose of filing under chapter 7 is to have your debts discharged. The bankruptcy discharge relieves you after bankruptcy from having to pay many of your pre-bankruptcy debts. Exceptions exist for particular debts, and liens on property may still be enforced after discharge. For example, a creditor may have the right to foreclose a home mortgage or repossess an automobile.

However, if the court finds that you have committed certain kinds of improper conduct described in the Bankruptcy Code, the court may deny your discharge.

You should know that even if you file chapter 7 and you receive a discharge, some debts are not discharged under the law. Therefore, you may still be responsible to pay:

most taxes;

most student loans;

domestic support and property settlement obligations;



most fines, penalties, forfeitures, and criminal restitution obligations; and

certain debts that are not listed in your bankruptcy papers.

You may also be required to pay debts arising from:

fraud or theft;

fraud or defalcation while acting in breach of fiduciary capacity;

intentional injuries that you inflicted; and

death or personal injury caused by operating a motor vehicle, vessel, or aircraft while intoxicated from alcohol or drugs.

If your debts are primarily consumer debts, the court can dismiss your chapter 7 case if it finds that you have enough income to repay creditors a certain amount. You must file *Chapter 7 Statement of Your Current Monthly Income* (Official Form 122A-1) if you are an individual filing for bankruptcy under chapter 7. This form will determine your current monthly income and compare whether your income is more than the median income that applies in your state.

If your income is not above the median for your state, you will not have to complete the other chapter 7 form, the *Chapter 7 Means Test Calculation* (Official Form 122A-2).

If your income is above the median for your state, you must file a second form—the *Chapter 7 Means Test Calculation* (Official Form 122A-2). The calculations on the form—sometimes called the *Means Test*—deduct from your income living expenses and payments on certain debts to determine any amount available to pay unsecured creditors. If

your income is more than the median income for your state of residence and family size, depending on the results of the *Means Test*, the U.S. trustee, bankruptcy administrator, or creditors can file a motion to dismiss your case under § 707(b) of the Bankruptcy Code. If a motion is filed, the court will decide if your case should be dismissed. To avoid dismissal, you may choose to proceed under another chapter of the Bankruptcy Code.

If you are an individual filing for chapter 7 bankruptcy, the trustee may sell your property to pay your debts, subject to your right to exempt the property or a portion of the proceeds from the sale of the property. The property, and the proceeds from property that your bankruptcy trustee sells or liquidates that you are entitled to, is called *exempt property*. Exemptions may enable you to keep your home, a car, clothing, and household items or to receive some of the proceeds if the property is sold.

Exemptions are not automatic. To exempt property, you must list it on *Schedule C: The Property You Claim as Exempt* (Official Form 106C). If you do not list the property, the trustee may sell it and pay all of the proceeds to your creditors.

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## Chapter 11: Reorganization

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	\$1,167	filing fee
+	\$550	administrative fee
	\$1,717	total fee

Chapter 11 is often used for reorganizing a business, but is also available to individuals. The provisions of chapter 11 are too complicated to summarize briefly.

### Read These Important Warnings

Because bankruptcy can have serious long-term financial and legal consequences, including loss of your property, you should hire an attorney and carefully consider all of your options before you file. Only an attorney can give you legal advice about what can happen as a result of filing for bankruptcy and what your options are. If you do file for bankruptcy, an attorney can help you fill out the forms properly and protect you, your family, your home, and your possessions.

Although the law allows you to represent yourself in bankruptcy court, you should understand that many people find it difficult to represent themselves successfully. The rules are technical, and a mistake or inaction may harm you. If you file without an attorney, you are still responsible for knowing and following all of the legal requirements.

You should not file for bankruptcy if you are not eligible to file or if you do not intend to file the necessary documents.

Bankruptcy fraud is a serious crime; you could be fined and imprisoned if you commit fraud in your bankruptcy case. Making a false statement, concealing property, or obtaining money or property by fraud in connection with a bankruptcy case can result in fines up to \$250,000, or imprisonment for up to 20 years, or both. 18 U.S.C. §§ 152, 1341, 1519, and 3571.

#### Chapter 12: Repayment plan for family farmers or fishermen

	\$200	filing fee
+	\$75	administrative fee
	\$275	total fee

Similar to chapter 13, chapter 12 permits family farmers and fishermen to repay their debts over a period of time using future earnings and to discharge some debts that are not paid.

#### Chapter 13: Repayment plan for individuals with regular income

	\$235	filing fee
+	\$75	administrative fee
	\$310	total fee

Chapter 13 is for individuals who have regular income and would like to pay all or part of their debts in installments over a period of time and to discharge some debts that are not paid. You are eligible for chapter 13 only if your debts are not more than certain dollar amounts set forth in 11 U.S.C. § 109.

Under chapter 13, you must file with the court a plan to repay your creditors all or part of the money that you owe them, usually using your future earnings. If the court approves your plan, the court will allow you to repay your debts, as adjusted by the plan, within 3 years or 5 years, depending on your income and other factors.

After you make all the payments under your plan, many of your debts are discharged. The debts that are not discharged and that you may still be responsible to pay include:

- domestic support obligations,
- most student loans,
- certain taxes,
- debts for fraud or theft,
- debts for fraud or defalcation while acting in a fiduciary capacity,
- most criminal fines and restitution obligations,
- certain debts that are not listed in your bankruptcy papers,
- certain debts for acts that caused death or personal injury, and
- certain long-term secured debts.

### **Warning: File Your Forms on Time**

Section 521(a)(1) of the Bankruptcy Code requires that you promptly file detailed information about your creditors, assets, liabilities, income, expenses and general financial condition. The court may dismiss your bankruptcy case if you do not file this information within the deadlines set by the Bankruptcy Code, the Bankruptcy Rules, and the local rules of the court.

For more information about the documents and their deadlines, go to:  
[http://www.uscourts.gov/bkforms/bankruptcy\\_forms.html#procedure](http://www.uscourts.gov/bkforms/bankruptcy_forms.html#procedure).

### **Bankruptcy crimes have serious consequences**

If you knowingly and fraudulently conceal assets or make a false oath or statement under penalty of perjury—either orally or in writing—in connection with a bankruptcy case, you may be fined, imprisoned, or both.

All information you supply in connection with a bankruptcy case is subject to examination by the Attorney General acting through the Office of the U.S. Trustee, the Office of the U.S. Attorney, and other offices and employees of the U.S. Department of Justice.

### **Make sure the court has your mailing address**

The bankruptcy court sends notices to the mailing address you list on *Voluntary Petition for Individuals Filing for Bankruptcy* (Official Form 101). To ensure that you receive information about your case, Bankruptcy Rule 4002 requires that you notify the court of any changes in your address.

A married couple may file a bankruptcy case together—called a *joint case*. If you file a joint case and each spouse lists the same mailing address on the bankruptcy petition, the bankruptcy court generally will mail you and your spouse one copy of each notice, unless you file a statement with the court asking that each spouse receive separate copies.

### **Understand which services you could receive from credit counseling agencies**

The law generally requires that you receive a credit counseling briefing from an approved credit counseling agency. 11 U.S.C. § 109(h). If you are filing a joint case, both spouses must receive the briefing. With limited exceptions, you must receive it within the 180 days **before** you file your bankruptcy petition. This briefing is usually conducted by telephone or on the Internet.

In addition, after filing a bankruptcy case, you generally must complete a financial management instructional course before you can receive a discharge. If you are filing a joint case, both spouses must complete the course.

You can obtain the list of agencies approved to provide both the briefing and the instructional course from:  
[http://justice.gov/ust/eo/hapcpa/ccde/cc\\_approved.html](http://justice.gov/ust/eo/hapcpa/ccde/cc_approved.html)

In Alabama and North Carolina, go to:  
<http://www.uscourts.gov/FederalCourts/Bankruptcy/BankruptcyResources/ApprovedCreditAndDebtCounselors.aspx>.

If you do not have access to a computer, the clerk of the bankruptcy court may be able to help you obtain the list.

ATTORNEY GENERAL OF THE US  
CIVIL DIVISION BANKRUPTCY SECTION  
US DEPARTMENT OF JUSTICE  
WASHINGTON DC 20530

BAYVIEW LOAN SERVICING  
PO BOX 650091  
DALLAS TX 75265

BOHICKET MARINA VILLAGE  
COUNCIL OF CO-OWNERS INC  
259 EAST BAY STREET SUITE 6A  
CHARLESTON SC 29401

BOHICKET MARINA VILLAGE  
OWNERS ASSOCIATION INC  
259 EAST BAY STREET SUITE 6A  
CHARLESTON SC 29401

CHARLESTON COUNTY TAX COLLECTOR  
C/O CHAS CO BANKRUPTCY DEPT  
4045 BRIDGE VIEW DR  
N CHARLESTON SC 29405-7464

CONSERVE  
PO BOX 1528  
FAIRPORT NY 14450

DEPARTMENT OF THE TREASURY  
BUREAU OF THE FISCAL SERVICE  
PO BOX 830794  
BIRMINGHAM AL 35283-0794

ELIZABETH BLACKWELL ESQUIRE  
PO BOX 22129  
CHARLESTON SC 29413

LYDIA PRUITT BROOKS ESQUIRE  
9 STATE STREET  
CHARLESTON SC 29401

RMB INC  
409 BEARDEN PARK CIRCLE  
KNOXVILLE TN 37919

SC DEPARTMENT OF REVENUE  
PO BOX 12265  
COLUMBIA SC 29211

SC FEDERAL CREDIT UNION  
PO BOX 190012  
CHARLESTON SC 29419-9012

SMALL BUSINESS ADMINISTRATION  
1835 ASSEMBLY ST #358  
COLUMBIA SC 29201

SOUTH STATE BANK  
PO BOX 118068  
CHARLESTON SC 29423-8068

SYNCHRONY BANK  
PO BOX 530914  
ATLANTA GA 30353

THOMAS A SHOOK ESQUIRE  
PO BOX 71727  
NORTH CHARLESTON SC 29415

US DEPARTMENT OF THE TREASURY  
BUREAU OF THE FISCAL SERVICE  
PO BOX 1686  
BIRMINGHAM AL 35201-1686

WELLS FARGO  
100 W WASHINGTON ST  
PHOENIX AZ 85003

WEST ASHLEY DIAGNOSTIC IMAGING  
1975 MAGWOOD DR H  
CHARLESTON SC 29414

LOCAL OFFICIAL FORM 1007-1(b) TO SC LBR 1007-1

United States Bankruptcy Court  
District of South Carolina

In re Linda Collier Benedict

Debtor(s)

Case No.

Chapter

7

CERTIFICATION VERIFYING CREDITOR MATRIX

The above named debtor, or attorney for the debtor if applicable, hereby certifies pursuant to South Carolina Local Bankruptcy Rule 1007-1 that the master mailing list of creditors submitted either on computer diskette, electronically filed via CM/ECF, or conventionally filed in a typed hard copy scannable format which has been compared to, and contains identical information to, the debtor's schedules, statements and lists which are being filed at this time or as they currently exist in draft form.

Master mailing list of creditors submitted via:

- (a) \_\_\_\_\_ computer diskette
- (b) \_\_\_\_\_ scannable hard copy  
(number of sheets submitted \_\_\_\_\_)
- (c)   X   electronic version filed via CM/ECF

Date: November 2, 2018

/s/ Linda Collier Benedict

Linda Collier Benedict

Signature of Debtor

**United States Bankruptcy Court**  
**District of South Carolina**

In re **Linda Collier Benedict**

Debtor(s)

Case No.

Chapter

**7**

**DISCLOSURE OF COMPENSATION OF ATTORNEY FOR DEBTOR(S)**

1. Pursuant to 11 U.S.C. § 329(a) and Fed. Bankr. P. 2016(b), I certify that I am the attorney for the above named debtor(s) and that compensation paid to me within one year before the filing of the petition in bankruptcy, or agreed to be paid to me, for services rendered or to be rendered on behalf of the debtor(s) in contemplation of or in connection with the bankruptcy case is as follows:

For legal services, I have agreed to accept .....	\$	<b>1,500.00</b>
Prior to the filing of this statement I have received .....	\$	<b>1,500.00</b>
Balance Due .....	\$	<b>0.00</b>

2. \$ **335.00** of the filing fee has been paid.
3. The source of the compensation paid to me was:  
☒ Debtor ☐ Other (specify):
4. The source of compensation to be paid to me is:  
☒ Debtor ☐ Other (specify):
5. ☒ I have not agreed to share the above-disclosed compensation with any other person unless they are members and associates of my law firm.  
☐ I have agreed to share the above-disclosed compensation with a person or persons who are not members or associates of my law firm. A copy of the agreement, together with a list of the names of the people sharing in the compensation is attached.
6. In return for the above-disclosed fee, I have agreed to render legal service for all aspects of the bankruptcy case, including:  
a. Analysis of the debtor's financial situation, and rendering advice to the debtor in determining whether to file a petition in bankruptcy;  
b. Preparation and filing of any petition, schedules, statement of affairs and plan which may be required;  
c. Representation of the debtor at the meeting of creditors and confirmation hearing, and any adjourned hearings thereof;  
d. [Other provisions as needed]
7. By agreement with the debtor(s), the above-disclosed fee does not include the following service:  
**Unanticipated work or representation of the debtors including, but not limited to, any dischargeability actions, judicial lien avoidances, relief from stay actions, proof of claim litigation, complex plan confirmation issues, or any other adversary proceeding.**

**CERTIFICATION**

I certify that the foregoing is a complete statement of any agreement or arrangement for payment to me for representation of the debtor(s) in this bankruptcy proceeding.

**November 2, 2018**

*Date*

**/s/ R. Michael Drose**

**R. Michael Drose 609**

*Signature of Attorney*

**Drose Law Firm**

**3955 Faber Place Drive, Suite 103**

**Charleston, SC 29405**

**843-767-8888 Fax: 843-203-3260**

**drose@droselaw.com**

*Name of law firm*

Attorneys	Phone Numbers	Mailing address	e-mail address
R. Michael Drose Thomas M. Fryar Ann U. Bell	(843)767-8888 1 (800) 444-1339	3955 Faber Place Drive Suite 103 Charleston, SC 29405	<a href="mailto:michaeldrose@droselaw.com">michaeldrose@droselaw.com</a> <a href="mailto:ann@droselaw.com">ann@droselaw.com</a>

#### CHAPTER 7 EMPLOYMENT AGREEMENT

THIS AGREEMENT entered into on October 23, 2018, by and between law firm and the undersigned client, wherein we agree to represent you in a Chapter 7 action. If you change your mind and decide against going forward, we will retain monies paid as earned.

THE FEE to be paid to us for required services is \$ 1,500, plus court and out of pocket costs of \$ 375. You will pay the fees as agreed upon between us. If the fee has not been paid in advance, you have executed a promise to pay the balance at appointed times, and your failure to pay as agreed upon will permit us to withdraw services as set out below.

YOU understand that the fee for required services, \$ 1,500, is considered earned when paid and will be put into law firm's operating account.

YOU shall have the right to terminate this relationship and discharge Law Firm with written notice to Law Firm. Should you so terminate this relationship or if Law Firm does not complete all necessary work for all fees paid to have been earned, you may be entitled to a refund of all or a portion of the fee paid.

YOU understand that we will not be required to file the case until the above costs have been paid.

YOU should not assume this action has been filed until given a case number for your case.

YOUR attendance will be required at all Court hearings, and you should notify us if attendance is impossible. Failure to attend a hearing can result in the dismissal of your case by the court and/or additional fees.

YOU shall immediately notify us upon any change of address, change of phone number, or change of employment.

YOU understand that the form provided by us must be filled out completely, honestly and accurately. This information is placed on the Court-provided Schedules, and any dishonest affirmations by you could result in denial of your bankruptcy discharge, and/or criminal charges. We are not responsible for representing you in such event.

YOU understand that, if the case is filed jointly, we represent both husband and wife. We will assume all information given to one of you or sent to your address is received by both of you. No information provided by either of you will be kept from the other. If, at any time, you disagree as to any significant aspect of the case, we may find it impossible to represent both of you. At that time, the conflict will be discussed, and if necessary, we will be forced to withdraw as counsel for both of you, as required by South Carolina law.

YOU understand that the proposals of law firm regarding the forgiveness of tax debt, or the taxes that would need to be paid, are based upon the information provided by client, and not based upon independent research done by law firm. The timing of the filing of the bankruptcy case can be very important in the forgiveness of tax debt, especially if any tax returns were not filed, were filed only by the taxing entity, or were filed late (even if an extension was requested and granted). The fees charged for the case do not reflect sufficient funds to cover the time required to do such research. Client hereby waives any liability of the law firm in not researching this issue before the case is filed, in order to keep the fees charged for filing the case to the amount indicated above.

I HAVE READ AND UNDERSTAND THE ABOVE PAGE

CLIENT

CLIENT



YOU understand that the proposals of law firm regarding the forgiveness of tax debt, or the taxes that would need to be paid, are based upon the information provided by client, and not based upon independent research done by law firm. The timing of the filing of the bankruptcy case can be very important in the forgiveness of tax debt, especially if any tax returns were not filed, were filed only by the taxing entity, or were filed late (even if an extension was requested and granted). The fees charged for the case do not reflect sufficient funds to cover the time required to do such research. Client hereby waives any liability of the law firm in not researching this issue before the case is filed, in order to keep the fees charged for filing the case to the amount indicated above.

YOU are responsible for all information provided the Court. The failure to list a creditor might result in your still owing the creditor not listed.

YOU understand that, as a general rule, creditors will not be contacted by us. Notice to creditors will come from the U.S. Bankruptcy Court within a few days after filing. You are welcome to advise creditors of our availability to answer any creditor's questions. You shall supply any creditor with the case number and date of filing once obtained, and should not expect further contact from any such creditor.

YOU should expect us to return all calls and answer all questions promptly. Whenever your attorney is not available, please ask to speak to your designated bankruptcy assistant, who can answer many questions or relay information to the attorney and then call you back. More complex questions or problems may require you to schedule an appointment at a later time. Emails to your attorney will be answered very promptly.

YOU must disclose the existence of any student loans for which you are responsible. Such debts should be listed by you, but these are nondischargeable unless the Court finds, in a separate action, that the debt should be forgiven as an extraordinary hardship. An action such as this would have required substantial additional fees to this firm. Since no such agreement has been reached to initiate such an action, these debts will survive the bankruptcy, and will continue to be a legal obligation of yours even though we have listed the debt in the case.

YOU understand that child support and alimony obligations are nondischargeable, and you still owe these debts after filing your bankruptcy case. In the event that you have agreed or been court-ordered to be responsible for debt with your spouse or ex-spouse, that person could file an action against you to enforce that obligation. This firm does not automatically represent you in such an action, unless we can agree to the additional compensation for that work. We reserve the right to petition to withdraw services in the event an agreement could not be reached between us to compensate us for these unanticipated services.

YOU understand that, under current law, a Chapter 7 filing can be reported by a credit reporting institution for ten (10) years after filing, but not thereafter. If the laws change, it is possible that the filing could be reported for a longer period of time. The law firm is in no way ever responsible for addressing any issues concerning your credit report.

YOU understand that you are not eligible for another Chapter 7 discharge for eight (8) years after filing this case.

YOU understand which property, if not all, will be permitted to be kept in this case. You further understand which secured creditors, if any, are to be paid by you despite the filing of this action. **If converting to Chapter 13 becomes necessary, there would be additional fees. Those fees would be determined by us and may be paid by the Trustee through a Chapter 13 plan. Should work be required in that converted case which is unexpected, fees in addition to those charged for the conversion may be required.**

YOU understand that any debt secured by collateral which you intend to keep must be kept current by you, *whether or not the creditor continues to send bills or statements*, and that we are not responsible for your failure to comply with this responsibility. If any such failure to pay requires legal intervention, such work shall not be required of us without additional compensation. Despite the bankruptcy, there may be some debts that you are continuing to pay directly. Often, mortgage companies and others will stop sending you bills and will no longer allow you to make online payments after you have filed a bankruptcy. Make a copy of your bill prior to filing to enable you to make proper payments after your case is filed.

I HAVE READ AND UNDERSTAND THE ABOVE PAGE.

  
CLIENT

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CLIENT

If YOU do not pay for services as promised or provide information as needed, after written notice to you, we can stop serving as attorney and retain fees paid.

YOU understand that if you are behind in payments to a creditor and you intend to keep the collateral under lien, you are responsible for arranging suitable terms with the creditor(s) involved. We will not be required to intervene in this work.

YOU understand that after discharge, such a creditor would have the right to reclaim this collateral unless arrangements have been made. **YOU understand that any negotiations with your mortgage company as to modifying or refinancing your mortgage will be completed by you and not by the firm.**

YOU understand that, if arrangements are made to bring secured debts up to date, and a reaffirmation agreement is signed, you are responsible for maintaining those payments. In the event of any future default, the secured creditor would not only have the right to reclaim the collateral, but would also have the right to seek the balance from you if the property is sold for less than the debt owed.

YOU understand that, because of the large volume of mail that we anticipate receiving on your behalf, we will not forward every document to you for your review. We will review documents, including, but not limited to, offers for reaffirmation agreements, on your behalf, and will forward only those we recommend you accept or that we believe you should review.

YOU understand that there are additional fees required if creditors are added to the original list. This fee would be a minimum of \$100.00 which would be paid to us. Out of this money, \$30.00 would be paid to the Clerk of Court. We reserve the right to charge a higher fee for such work, and often do, if there are any special problems with the creditor(s) added.

You understand that we will not be responsible for updating, or filing any objections or corrections in regard to your credit report, either before, during or after the bankruptcy proceeding. Further, law firm has not obligated itself to represent you in the event of some action of a third party which might violate the bankruptcy stay or otherwise affect your rights. In the event the law firm believes a third party has performed an inappropriate act we will agree to make one written demand in an effort to seek a "correction" of the problem, but the law firm will have no requirement to initiate an action in bankruptcy or state court to seek damages or other relief. A separate agreement between client and law firm would be required in such event.

**YOU will be required to complete two debt management courses in order to receive the discharge of debts.**

WE have reached no agreement on what fees would be charged you in the event of an action by the trustee and/or a particular creditor, or any entity, against you, alleging that their debt should not be forgiven or that your discharge should be denied fully because of some act or omission on your part, or any other act of the trustee not specifically covered herein. We reserve the right to petition to withdraw services in the event an agreement could not be reached between us to compensate us for these unanticipated services. Should you be found to be ineligible to file this Chapter of bankruptcy, there could be fees for defending any such assertion or for conversion of your case to one under another Chapter.

**YOU UNDERSTAND THAT, IN THE EVENT THAT YOUR CASE IS DISMISSED BY THE BANKRUPTCY COURT, THE ATTORNEY-CLIENT RELATIONSHIP BETWEEN YOURSELF AND LAW FIRM IS TERMINATED.** This employment agreement does not extend to law firm representing you post-dismissal. In order to undertake any further representation after dismissal, a new meeting with you may be necessary and a new employment agreement **WOULD** be required. Further, fees for such representation will be determined on a case-by-case basis. *Sub initial* *initial*

We will agree to hold your papers until six years after the case is dismissed or discharged.

I HAVE read all pages of this agreement, understand it, and have been provided with a copy of it, which I agree to keep.

  
CLIENT

\_\_\_\_\_  
CLIENT

I UNDERSTAND this is a long agreement; however, I was not required to sign it in a rushed fashion, and was instructed to read it carefully, and to have any questions answered. This has been done.

  
CLIENT

\_\_\_\_\_  
CLIENT